

2nd Sub. H.B. 202
REVISIONS TO CHILD WELFARE

Representative **Wayne A. Harper** proposes the following amendments:

1. *Page 9, Lines 251 through 253:*

251 ~~[(18)]~~ (20) (a) "Neglect" means:
252 (i) ~~{-repeated or-}~~ substantial failure by a parent, guardian, or person with care or custody
253 of a child to provide the child with proper or necessary:

2. *Page 10, Line 276:*

276 (iii) that there is a substantial risk that a child ~~{-will-}~~ may suffer abuse or neglect by a
caretaker

3. *Page 36, Lines 1096 through 1097:*

1096 (2) In developing the treatment plan, the division shall use the approach that it
1097 determines best serves the needs of the child and family .

4. *Page 47, Line 1445 through Page 48, Line 1454:*

1445 ~~{(D) custodial interference, as described in Section 76-5-303;-}~~
1446 ~~{(E)}~~ (D) unlawful detention, as described in Section 76-5-304, if the victim is a person
1447 under the age of 18 at the time of the conduct; and
1448 ~~{(F)}~~ (E) any of the offenses described in Title 76, Chapter 5, Part 4, Sexual Offenses, if the
1449 victim is a person under the age of 18 at the time of the conduct.
1450 (b) "Minister" means a person recognized by a bona fide religious organization as a:
1451 (i) minister;
1452 (ii) member of the clergy;
1453 (iii) priest; or
1454 (iv) ~~{-counselor-}~~ similar religious official .

5. *Page 59, Line 1820:*

1820 (iv) major surgical ~~{+}~~ , or psychiatric ~~{+}~~ treatment;

6. *Page 83, Line 2562 through Page 84, Line 2584:*

2562 ~~[(a)]~~ (i) subject to Subsection (9)(b)(i), there is a substantial danger to the physical
2563 health or safety of the [minor] child and the [minor's] child's physical health or safety may not

2564 be protected without removing [~~him~~] the child from [~~his parent's~~] the custody[~~-. If a minor has~~
2565 ~~previously been adjudicated as abused, neglected, or dependent and a subsequent incident of~~
2566 ~~abuse, neglect, or dependency occurs, that fact constitutes prima facie evidence that the child~~
2567 ~~cannot safely remain in the custody of his parent~~] of the child's parents or caretaker ;
2568 [~~(b)~~] (ii) the [~~minor~~] child is suffering emotional damage[~~, as may be indicated by, but~~
2569 ~~is not limited to, extreme anxiety, depression, withdrawal, or negative aggressive behavior~~
2570 ~~toward self or others,]~~ and there are no reasonable means available by which the [~~minor's~~]
2571 child's emotional health may be protected without removing the [~~minor~~] child from the custody
2572 of [~~his parent~~] the child's parents or caretaker ;
2573 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
2574 not removed from the custody of the child's parents or caretaker ;
2575 [~~(c)~~] (iv) subject to Subsection (9)(b)(ii), the [~~minor~~] child or another [~~minor~~] child
2576 residing in the same household [~~has been~~] is physically or sexually abused, or is considered to
2577 be at substantial risk of being physically or sexually abused, by a:
2578 (A) parent or caretaker [~~, a~~];
2579 (B) member of the parent's or caretaker's household[~~;~~]; or [~~other~~]
2580 (C) person known to the parent or caretaker [~~-. If a parent has received actual notice that physical~~
~~or~~
2581 ~~sexual abuse by a person known to the parent has occurred, and there is evidence that the~~
2582 ~~parent has allowed the child to be in the physical presence of the alleged abuser, that fact~~
2583 ~~constitutes prima facie evidence that the child is at substantial risk of being physically or~~
2584 ~~sexually abused];~~

7. Page 85, Lines 2603 through 2613:

2603 (b) (i) For purposes of Subsection (9)(a)(i), evidence that a child cannot safely remain
2604 in the custody of a parent or caretaker of the child is established if:
2605 (A) a court previously adjudicated that the child suffered abuse, neglect, or dependency
2606 involving the parent or caretaker ; and
2607 (B) a subsequent incident of abuse, neglect, or dependency involving the parent or
caretaker occurs.
2608 (ii) For purposes of Subsection (9)(a)(iv), there is a substantial risk that a child will be
2609 physically or sexually abused if the court finds, by a preponderance of the evidence, that the
2610 parent or caretaker ;
2611 (A) received actual notice that abuse by a person known to the parent or caretaker occurred; and
2612 (B) after receiving the notice described in Subsection (9)(b)(ii)(A), allowed the child to
2613 be in the physical presence of the abuser.